

**MINUTES OF THE  
TWELFTH REGULAR MEETING OF THE  
2001 REAPPORTIONMENT COMMISSION**

**October 25, 2001  
2:00 p.m.**

**Hawaii State Capitol  
Room 016  
Honolulu, Hawaii**

**Commissioners in Attendance:**

Mr. Wayne K. Minami, Chairperson  
Mr. Deron K. Akiona  
Ms. Jill E. Frierson  
Ms. Lori Hoo  
Mr. Shelton Jim On  
Mr. Lynn C. Kinney  
Mr. Kenneth T.G. Lum  
Mr. Harold Masumoto  
Mr. David Rae

**Advisory Council in Attendance:**

Mr. Stephen Goodenow, Oahu  
Mr. Jim Hall, Oahu  
Mr. Robert Ogawa, Oahu  
Ms. Shirley Spencer, Hawaii  
Mr. Fred Rohlfing, Maui  
Mr. Mark Andrews, Maui  
Mr. Jerome Hew, Kauai  
Ms. Betty Chandler, Kauai  
Ms. Trinette Kau, Kauai  
Mr. Dennis Esaki, Kauai

**Technical Support Staff in Attendance:**

Mr. Dwayne D. Yoshina, Office of Elections  
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff  
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff  
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff  
Mr. Strather Ing, Office of Elections/Reapportionment Staff  
Ms. Keala Naluai, Office of Elections/Reapportionment Staff  
Mr. Royce Jones, ESRI, GIS Consultant for the Commission  
Mr. Rex Quidilla, Office of Elections  
Mr. Scott Nago, Office of Elections

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Mr. Brian Aburano, Department of the Attorney General  
Mr. Aaron Schulaner, Department of the Attorney General

#### **Observers Present:**

Ms. Jean Aoki, League of Women Voters  
Mr. Pat Omandam, Honolulu Star Bulletin  
Mr. Kevin Dayton, Honolulu Advertiser  
Mr. Bert Warashina, Senate Office  
Ms. Shannon Wood, The Koolau News  
Ms. Brandi Lau, Representative Morita Office  
Mr. Glen Takahashi, City Clerk Office  
Ms. Kimberly Fujinaga, Representative Hamakawa Office  
Rep. Barbara Marumoto, House of Representatives  
Ms. Roberta Weatherford, Representative Leong Office  
Mr. Kaliko Chun, Senator L. Inouye Office  
Mr. Clifton Takamura, McCully/Moiliili Neighborhood Board  
Mr. Bob Carter, Senator Hemmings Office  
Mr. Mona Kapaku, Representative Bukoski Office  
Ms. Denby Fawcett, KITV - News  
Mr. Al Canopin Jr., Senator Tam Office  
Ms. Lucia Denis  
Ms. Coolie Harris, Senator Matsunaga Office  
Mr. Melvin Ahching, Senator Slom Office  
Ms. Eloise Kuniyoshi, Senator Chumbley Office  
Sen. Kalani English, Senate

#### **I. Call to Order**

Chairperson Wayne Minami called the Twelfth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 016 of the Hawaii State Capitol, Honolulu, Hawaii.

#### **II. Approval of Minutes**

Commissioner Jill Frierson moved to have the minutes of the Eleventh Regular Meeting of the 2001 Reapportionment Commission on October 25, 2001 approved. Commissioner David Rae seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

### **PROCEEDINGS**

#### **III. Technical Committee Presentation**

Chairperson Minami asked that a member of the Reapportionment Staff make the presentation for the Technical Committee.

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Mr. David Rosenbrock presented the neighbor island portion of the 2001 reapportionment plan. He mentioned that the new proposed plan is based on provisions of Article IV of the Hawaii State Constitution and reflects testimony presented at public hearings held throughout the islands and testimony delivered to the reapportionment project office.

After receiving overwhelming opposition to the Commission's decision to include non-resident military dependents in the state's permanent resident population base and the method of "canoeing" or redistricting beyond the state's constitutional requirement that districts not extend beyond any basic island unit, the Commission changed its decision to include dependents of non-resident military and utilize "canoe" districts.

#### A. State Population Base

Mr. Rosenbrock reported that the Reapportionment Commission had adopted a new state population base, which excludes non-resident students, non-residents military who self-declared residency in another state and their dependents (with Hawaii zip codes).

Under the new state population base, the adjusted permanent resident population figures are as follows:

- State of Hawaii	1,124,330
- Island of Oahu	790,233
- Hawaii County	147,806
- Maui County	128,003
- Kauai County	58,288

#### B. Apportionment Among Basic Island Units

Mr. Rosenbrock stated that the Hawaii State Constitution, Article IV, Section 4, reads, "The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai, and Kahoolawe, (3) the Island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

#### C. Apportionment Within Basic Island Units

Mr. Rosenbrock also read the Hawaii State Constitution, Article IV, Section 6, as follows, "Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall

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redraw district lines where necessary in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable."

Hawaii State Constitution, Article IV, Subsection 6.1, was also read as follows, "No district shall extend beyond the boundaries of any basic island unit."

**D. The Proposed Apportionment**

Mr. Rosenbrock reported that in conformance with the foregoing constitutional provisions, the Reapportionment Commission had decided to eliminate "canoe" districts, and would apportion the State's legislators among the basic island units. The apportionment has been calculated using the Huntington-Hill Method of Equal Proportions, which is the same method used by the Federal Government to apportion Congressional seats among the states.

Mr. Rosenbrock listed the breakdown of the number of house and senate seats that each island would have.

- Oahu	Senate	18	House	35
- Hawaii County		3		7
- Maui County		3		6
- Kauai County		<u>1</u>		<u>3</u>
		<b>25</b>		<b>51</b>

**E. Methods of Calculation and Examples**

Mr. Rosenbrock explained the method of calculating the average number of permanent residents per legislator statewide and by each basic island unit. He showed a calculation of the deviations between each basic island unit's average number of permanent residents per legislator and the statewide average number of permanent residents per legislator. Mr. Rosenbrock noted that this method was used in Burns v. Gill, 1970. (Further details on these matters can be obtained at the Reapportionment Project Office.)

Mr. Rosenbrock noted that this method of calculating deviations (the Huntington-Hill Method of Equal Proportions) serves the rational state policies articulated in the Hawaii State Constitution, which recognizes the geographic insularity and unique political and socio-economic identities of the basic island units.

**F. Neighbor Island Plans**

Mr. Rosenbrock reported that the new proposed Neighbor Island plans as presented to the Commission are located at the back of the room and legal descriptions of the districts are in the packet provided to the Commission.

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He also stated that CD's are available and that maps of the new proposed plans can be viewed at the Reapportionment Project Office located in Room 411 at the State Capitol. The Apportionment Advisory Councils have received copies of their county maps today. Each Neighbor Island County will receive a copy of its county maps by October 31, 2001.

#### **G. Commission's Schedule**

Mr. Rosenbrock outlined the Reapportionment Commission's schedule for the duration of the year.

October 25	Present Neighbor Island plans
October 29	Kauai Advisory Council meeting with Reapportionment Staff.
October 30	Present Oahu plan
October 31	Maui Advisory Council meeting with Reapportionment Staff.
November 1	Hawaii Advisory Council meeting with Reapportionment Staff.
November 14	Oahu Advisory Council meeting with Reapportionment Staff.
November 19	Kauai public hearing
November 20	Maui public hearing
November 26	Hawaii public hearings (2 locations - Hilo, Kona)
November 27	Oahu public hearing (2 locations - TBA)
November 30	Commission to adopt final plan
December 14	File plan with Chief Elections Officer

Commissioner Hoo asked if the method of calculating deviations that was being presented is the same method that was used by the 1973 Reapportionment Commission. Mr. Rosenbrock stated that it is the same method of calculating deviation except that the 1973 plan used multi-member districts, while the 2001 plan uses only single-member districts.

Chairperson Minami explained that the plans that have been presented are a first draft subject to changes subsequent to the public hearings. He mentioned that the Oahu plan will be presented at the Commission's next meeting at 2:00 p.m., Tuesday, October 30, 2001, at the State Capitol Room 329.

Chairperson Minami stated that the Neighbor Island plans were finished first because there were relatively few military dependents on the Neighbor Islands. He noted that the Oahu plan took longer since they had to extract the military dependents from the many Oahu census blocks.

#### **IV. Advisory Councils Testimony**

##### **A. Testimony by Mr. James V. Hall, Oahu Advisory Council Member**

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Mr. Hall stated that he estimated the population base for each county and sent his calculations to Dr. Bernard Rohlfman, the national expert on reapportionment, Professor of Political Science at the University of California, President of the Public Choice Society. He stated that Dr. Rohlfman mentioned that Mr. Hall's calculations were interesting and that there was another way of doing the calculations. Dr. Rohlfman sent back his own calculations and said that everything should be fine. Mr. Hall mentioned that Dr. Rohlfman's method of calculating deviations in the proposed apportionment of legislators was similar to what was presented today.

Mr. Hall wished to assure the Commission that its method of calculating deviations in its proposed apportionment was still valid and workable.

**B. Testimony by Mr. Steve Goodenow, Oahu Advisory Council Member**

Mr. Goodenow asked for advice from the Commission to the Advisory Councils regarding Advisory Council public meetings. Due to the schedules of various Council members, the Oahu Advisory Council public meeting would not be scheduled until November 14, 2001. He felt that there would be enough time for the Oahu Advisory Council to hold its informational meetings before the scheduled Commission public hearing on November 27, 2001.

Mr. Goodenow asked if the Public Information Committee has an idea of how many informational meetings it would like the Advisory Councils to hold so that the Councils will be able to make the necessary arrangements and work with the Commission staff.

Mr. Goodenow also invited the public to attend the informational meetings and requested that the media print the dates and times of the meetings in a timely manner so that the public will be informed and be able to make good and reliable testimonies at the Commission's public hearings.

**V. Public Testimony**

There was no public testimony presented.

**VI. Correspondence and Announcements**

Chairperson Minami noted receipt of the following correspondence:

- ?? Thank you letter from Elliott Krash, President, Kula Community Association
- ?? Thank you letter from Beryl Blaich, Kailua-Kona resident
- ?? Testimony from Senator Rod Tam with approximately 504 signatures in support
- ?? Testimony from Nikhilananda, Makawao resident

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#### **VII. Executive Session**

The Secretary to the Commission and Chief Elections Officer asked that the Commission entertain a motion to go into executive session so that he could respond to a letter regarding the Commission's schedule that he received from the Chairperson.

Commissioner Masumoto moved that the Commission go into executive session to discuss the letter that was sent to the Chief Elections Officer. Commissioner Rae seconded that motion. The motion was carried unanimously by the Commissioners in attendance.

The Commission went into executive session at 2:40 p.m. and reconvened the meeting to the public at 2:55 p.m.

#### **VIII. Other Business**

Commissioner Hoo mentioned that she remembers the Deputy Attorney General said that there is some risk involved if the Commission decides to develop a plan without "canoe" districts. She said that she understood that the 1973 Reapportionment Commission's plan with no "canoe" districts was upheld in court even though there was a question about the deviation between Kauai and the rest of the islands. Commissioner Hoo asked if the 1973 Reapportionment Commission's plan sets a precedent in terms of how deviations in a Hawaii reapportionment plan can be calculated.

Chairperson Minami stated that the Commission has to develop a rational basis to justify its reapportionment plan. He mentioned that the U.S. Supreme Court has said that it will give state legislatures or reapportionment commissions a wider leeway in developing state legislative apportionment and redistricting plans versus congressional redistricting plans. There are cases that say if the maximum deviation in the state plans exceeds 10%, the burden is on the Commission to justify the deviation. The Commission is relying on the Hawaii State Constitution that has a specific provision that says "No district shall extend beyond the boundaries of any basic island unit". The Commission is trying to avoid "canoe" districts. Chairperson Minami said that the question is what happens when in order to avoid "canoe" districts you end up having a basic island unit such as Kauai, that has 58,000 voters but only one senator. As indicated in prior court cases, you grant Kauai 3 representatives, with an average of 19,429 permanent residents per representative, to balance out the representation of Kauai between the house and senate.

Chairperson Minami stated that the Commission is measuring deviations within its proposed plans by basic island unit. Although there are other ways to calculate such deviations, the Commission is following the State Constitution which sets out the parameters that the legislative districts should be kept within each basic island unit. He said that hopefully the courts will accept this method of calculating deviations as a rational justification, because it is not something that the Commission made up; it's

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in the State Constitution adopted by the people. Chairperson Minami acknowledged that there is some risk in the methodology that the Commission is taking, but he thinks it is worth pursuing.

**IX. Adjournment**

There being no other business to discuss the Twelfth Meeting of the 2001 Reapportionment Commission was adjourned.

The Twelfth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 3:00 p.m.

Respectfully submitted,

Dwayne D. Yoshina  
Chief Election Officer  
Secretary of the  
2001 Reapportionment Commission